

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:	}	Case No. 3:19-bk-05259
KADREN PATRICE CARTER-RIPPY	}	
5800 MAUDINA AVE	}	
APT #F-1	}	Chapter 13
Nashville, TN 37218	}	
SSN: xxx-xx-8186	}	Judge Marian F Harrison
	}	
Debtor(s)	}	

THE DEADLINE FOR FILING A TIMELY RESPONSE IS: November 20, 2019
IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE: December 4, 2019 at 8:30 a.m. in
Courtroom One, Second Floor, 701 Broadway, The Customs House, Nashville, TN 37203

NOTICE OF MOTION TO MODIFY PLAN TO ALTER OR AMEND CONFIRMATION ORDER

The Debtor has asked the Court for the following relief: permission to Modify Plan to Alter or Amend Confirmation Order.

YOUR RIGHTS MAY BE AFFECTED.

If you do not want the court to grant the attached motion, or if you want the court to consider your views on the motion, then on or before November 20, 2019, you or your attorney must:

1. File with the court your written response or objection explaining your position at:

By Mail: U.S. Bankruptcy Court, 701 Broadway, Room 170, Nashville, TN 37203
In Person: U.S. Bankruptcy Court, 701 Broadway, Room 170, Nashville, TN 37203
(Monday- Friday, 8:00 a.m. – 4:00 p.m.)

2. Your responses must state that the deadline for filing responses: **November 20, 2019** the date of the scheduled hearing is: **December 4, 2019** and the motion to which you are responding is: MOTION TO MODIFY PLAN TO ALTER OR AMEND CONFIRMATION ORDER.

If you want a file stamped copy returned, you must include an extra copy and a self-addressed, stamped envelope.

3. You must also mail a copy of your response to:

Flexer Law, PLLC, 1900 Church St, Suite 400 Nashville, TN 37203, and see Certificate of Service for additional parties to serve (attached hereto).

If a timely response is filed, the hearing will be held at the time and place indicated above. ***THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.*** You may check whether a timely response has been filed by calling the Clerk's office at 615-736-5584 or viewing the case on the Court's web site at www.tnmb.uscourts.gov. If you received this notice by mail, you may have three additional days in which to file a timely response under Rule 9006(f) of the Federal Rules of Bankruptcy Procedure.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting relief.

Date: 10/30/2019 Signature: /s/ Daniel Castagna
Name: Flexer Law, PLLC
Address: 1900 Church St, Suite 400 Nashville, TN 37203

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MOTION TO MODIFY PLAN TO ALTER OR AMEND CONFIRMATION

COMES NOW the Debtor, by and through counsel, and would move this Honorable Court for permission to modify plan to alter or amend the Confirmation Order in accordance with Administrative Order 18-1.

The Debtor's Chapter 13 bankruptcy was filed on August 16, 2019, and a plan was confirmed on October 28, 2019 (Docket Entry #42). Pursuant to Administrative Order 18-1, Debtor's counsel was permitted the full attorney fee of \$4,250.00. Counsel for the Debtor would state that the new confirmed plan payment accounted for a full attorney fee based on the plan payment. However, the attorney fee permitted on the Confirmation Order was never updated to provide for the full attorney fee.

Counsel for the Debtor requests the Order Confirming Chapter 13 Plan for the Debtor entered on October 28, 2019 be altered or amended to reflect these changes and to increase the attorney fee to \$4,250.00 per Administrative Order 18-1. As such, Debtor's Counsel prays for an Order to modify the plan to amend the Confirmation Order to provide the following:

- a) Part 4.1 Attorney Fees: The balance of fees currently owed to Flexer Law, PLLC is \$4,250.00. The total fee awarded to the attorney is \$4,250.00 pursuant to Administrative Order 18-1.
- b) The success incentive of \$400.00 shall be classified as a Class 6 Claimant which the Trustee shall place a "reserve" on and withhold disbursements pending a further determination.
- c) No other terms of the Confirmation Order shall be affected by this motion.

Respectfully submitted,

/s/ Daniel Castagna

Daniel Castagna, BPR #022721

Attorney for Debtor

Flexer Law, PLLC

1900 Church St, Suite 400

Nashville, TN 37203

(615) 255-2893

fax: (615) 242 8849

cm-ecf@jamesflexerconsumerlaw.com

DRAFT

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PROPOSED ORDER GRANTING MOTION TO MODIFY PLAN TO ALTER OR AMEND CONFIRMATION ORDER

It appears to the United States Bankruptcy Court for the Middle District of Tennessee that Counsel for the Debtor filed a Motion to Modify Plan to Alter or Amend Confirmation Order and notice of said motion has been given pursuant to L.B.R. 9013-1 to all parties in interest. It further appears to the Court that twenty-one (21) days have elapsed since the date of service of the motion and no responses have been forthcoming from any party in interest.

It is therefore ORDERED that the Confirmation Order shall be modified to include the following provisions:

- a) Part 4.1 of the Confirmation Order entered with this Court on October 28, 2019 shall be modified to increase the attorney fee to \$4,250.00 per Administrative Order 18-1.
- b) The balance owed to Flexer Law, PLLC is \$4,250.00.
- c) The success incentive of \$400.00 shall be classified as a Class 6 Claimant, which the Trustee shall place a “reserve” on and withhold disbursements pending a further determination.
- d) No other terms of the Confirmation Order shall be affected by this modification.

IT IS SO ORDERED.

This order was electronically signed and entered as indicated at the top of the first page.

APPROVED FOR ENTRY:

/s/ Daniel Castagna

Daniel Castagna, BPR #022721

Attorney for Debtor

Flexer Law, PLLC

1900 Church St, Suite 400

Nashville, TN 37203

(615) 255-2893 fax: (615) 242 8849

cm-ecf@jamesflexerlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on October 30, 2019 I furnished a true and correct copy of the foregoing to the following parties in interest:

Henry E. Hildebrand, III
Chapter 13 Trustee
P.O. Box 340019
Nashville, TN 37203-0019

Electronic

U.S. Trustee
318 Customs House, 701 Broadway
Nashville, TN 37203

Electronic

Kadren Carter-Rippy
3108 Hydes Ferry Road
Nashville, TN 37218

U.S. mail first class

I have mailed 30 notices. I have served 32 notices.

/s/ Daniel Castagna

Daniel Castagna

Ad Astra Recovery

7330 West 33rd Street North Suite 118 Wichita KS 67205

AT&T Mobility II LLC

%AT&T SERVICES INC. KAREN A. CAVAGNARO PARALEGAL ONE AT&T WAY, SUITE 3A104 BEDMINSTER, NJ. 07921

AUTOMATED COLLECTION SERVICES INC

2802 OPRYLAND DR NASHVILLE TN 37214

Barrett Realty Company

c/o Hall & Associates 223 Madison St. Suite 212 Madison, TN 37116

Bull City Financial Solutions

2609 North Duke Street Suite 500 Durham NC 27704

CASH EXPRESS

6000 CHARLOTTE PK Nashville TN 37209

Cash Express, LLC

345 South Jefferson Avenue, Suite 300 Cookeville, TN 38501

Chrysler Capital

PO Box 961275 Fort Worth, TX 76161

Dept of Ed / Navient

Attn: Claims Dept PO Box 9635 Wilkes Barr PA 18773

Financial Data Systems

Attn: Bankruptcy PO Box 688 Wrightsville Beach NC 28480

FIRST NASHVILLE REALTY AND MANAGEMENT

2819 GALLATIN PK Nashville TN 37216

IAFCO, LLC

C/O SUSAN FAULKNER 736 CURREY ROAD Nashville TN 37217

InSolve Auto Funding, LLC c/o Wayfinder BK, LLC

PO Box 64090 Tucson, AZ 85728-4090

LAB CORP OF AMERICA

PO BOX 2240 Burlington NC 27216

MATTHEW WALKER HEALTH CENTER

1501 HERMAN ST Nashville TN 37208

METRO WATER

1700 3RD AVE. NORTH Nashville TN 37208

Nashville Electric Service

1214 Church Street Nashville, TN 37246

NASHVILLE HOME HUNTERS

318 SEABOARD LN #115 Franklin TN 37067

NATHAN LYBARGER, ATTORNEY

223 MADISON ST SUITE 212 Madison TN 37115

PRIORITY INSURANCE AGENCY INC

1355 LYNNFIELD #160 MEMPHIS TN 38119

Richland Hill Apartments

c/o Hall & Associates 223 Madison Street, Suite 212 Madison, TN 37116

RICHLAND HILLS APARTMENTS

5800 MAUDINA AVE NASHVILLE TN 37209

Robinson Reagan & Young PLLC

446 James Robertson Parkway, Ste 200 Nashville TN 37219

Santander Consumer USA/CHRYSLER CAPITAL

Attn: Bankruptcy 10-64-38-FD7 601 Penn St Reading PA 19601

Southwest Credit Systems

4120 International Blvd Suite 200 Dallas TX 75207

Tennessee Quick Cash, Inc.

6326 Charlotte Pike Nashville, TN 37209

TIMOTHY O'CONNOR, ATTORNEY

315 DEADRICK ST SUITE 1700 Nashville TN 37238

U-HAUL

241 N 1ST ST Nashville TN 37213

VIDANT HEALTH

PO BOX 71095 Charlotte NC 28272